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Attorney for Plaintiffs

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO / OAKLAND DIVISION

MARK AARON HAYNIE, THE
CALGUNS FOUNDATION, INC.,
and THE SECOND AMENDMENT
FOUNDATION, INC.,

Plaintiffs,

vs.

CITY OF PLEASANTON, CITY OF
PLEASANTON POLICE
DEPARTMENT, CALIFORNIA
DEPARTMENT OF JUSTICE, and
DOES 1 TO 20,

Defendants.

Case No.: CV 10 1255 SI

JOINT REQUEST TO RESET CMC

[Proposed Order Resetting CMC]

Currently set for February 4, 2011

Proposed reset for March 18, 2011

In December 2010, the parties submitted a Joint Statement of Undisputed Facts (ENE) to James Fitzgerald the ADR evaluator assigned to this case. The joint statement includes the parties' litigation positions and legal authority for those positions.

On January 20, 2011, the parties participated in a teleconference with Mr. Fitzgerald. He has studied the Joint Statement and attached exhibits (page count 80+) and has determined that the case involves complex and evolving issues of firearm technology.

1 Mr. Fitzgerald and the parties anticipate scheduling an ENE conference to be
2 completed before end of February, 2011.

3 The parties are requesting that the Case Management Conference set for
4 February 4, 2011 be reset to accommodate the ENE conference and give the parties
5 sufficient time to draft a Joint Case Management Statement in the event that the
6 case does not settle.

7 The parties will immediately notify the Court if the case gets settled at the
8 ENE Conference.

9 The parties are proposing to continue the CMC currently set for February 4,
10 2011 to March 18, 2011 at 2:30 p.m.

11 Respectfully Submitted on January 20, 2011.

12
13 /s/ Ross Moody, Counsel for Defendant /s/ Donald Kilmer, Counsel for Plaintiffs

14 **ATTESTATION FOR COMPLIANCE WITH GENERAL ORDER 45 AND**
15 **LOCAL RULE VIII.B.**

16 I, Donald Kilmer, declare under penalty of perjury under the laws of California
17 and the United States that I have in my possession e-mail correspondence from
18 Ross Moody that the content of this document is acceptable to all persons required
to sign the document. I declare that this document was signed in San Jose, CA on
January 20, 2011.

19 /s/
20 Donald Kilmer of
21 Law Offices of Donald Kilmer, APC
for Plaintiffs

22 **SO ORDERED**

23 The Case Management Conference set for February 4, 2011 at 2:30 p.m. is
24 rescheduled to March 18, 2011 at 2:30 p.m.

25 Date:



26
27 United States District Judge